

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

**FILED**

VENUE: SAN FRANCISCO

2010 SEP 16 P 1:49

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**E-filing**

UNITED STATES OF AMERICA,

v.

**CRB**

**CR 10 0678**

MÄHËR TALAL MUHAWIEH,

DEFENDANT(S).

## INDICTMENT

VIOLATIONS: 18 U.S.C. § 1343 - Wire Fraud ; 18 U.S.C. § 981(a)(1)  
(C) and 28 U.S.C. § 2461 - Forfeiture of Fraud Proceeds

A true bill.

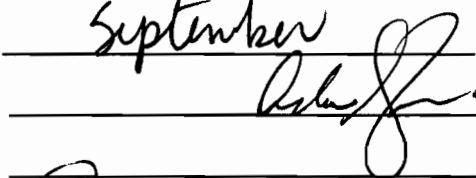


Foreman

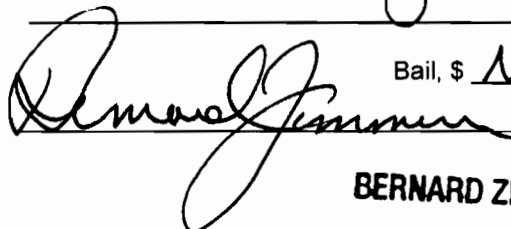
Filed in open court this 16<sup>th</sup> day of

September

ADA YIU



Clerk



Bail, \$

No bail warrant

**BERNARD ZIMMERMAN**

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**

18 U.S.C. 1343 -- wire fraud (12 counts)

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

PENALTY: for each count: 20 years imprisonment; \$250,000 fine or twice gain/loss; 3 years supervised release; restitution; forfeiture; \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

2010 SEP 16 P 1:49

DEFENDANT - U.S.

MAHER TALAL MUHAWIEN

 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 DISTRICT OF CALIFORNIA

DISTRICT COURT NUMBER

CR 10 0678 CRB

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Jeffrey Rabkin

**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)

NDCA

**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: \_\_\_\_\_

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

MELINDA HAAG (CABN 132612)  
United States Attorney

FILED

2010 SEP 16 P 1:49

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CRB

UNITED STATES OF AMERICA,

Plaintiff,

v.

MAHER TALAL MUHAWIEH,

Defendant.

CR 10 0678

VIOLATIONS: 18 U.S.C. § 1343 – Wire Fraud;  
18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461  
— Forfeiture of Fraud Proceeds

INDICTMENT

The Grand Jury charges:

THE SCHEME TO DEFRAUD LENDERS

At all times relevant to this Indictment:

1. MAHER TALAL MUHAWIEH, the defendant, was a resident of San Francisco, California.

2. Beginning at a time unknown to the Grand Jury, but no later than January 2006, and continuing through at least March 2009, MAHER TALAL MUHAWIEH knowingly and intentionally devised a material scheme and artifice to defraud lenders, and to obtain money and property by means of materially false and fraudulent pretenses, representations, promises, and

INDICTMENT

1 omissions.

2 3. To execute and in furtherance of the scheme, MUHAWIEH solicited and caused  
3 others to solicit at least \$25 million from at least 80 prospective lenders based upon (a) promises  
4 and representations that the lenders' funds would be used to purchase and to renovate specific  
5 residential properties in San Francisco, California, that would then be sold at a profit, and (b)  
6 promises and representations that MUHAWIEH would thereby achieve regular and high rates of  
7 return for the lenders with limited risk.

8 4. In truth, MUHAWIEH did not intend to use the lenders' funds in the manner that  
9 he promised and represented to the lenders, and instead misappropriated and converted those  
10 funds to his own benefit and the benefit of others without the knowledge and authorization of the  
11 lenders. In fact, and contrary to his promises and representations to lenders, MUHAWIEH  
12 instead used the lenders' funds to pay interest on loans from other lenders, for personal expenses  
13 and to invest in retail businesses located in San Francisco, California.

14 5. Also in furtherance of the scheme, MUHAWIEH represented and caused others to  
15 represent to lenders that their funds were secure by providing and causing others to provide deeds  
16 of trust on the residential properties located in San Francisco, California, that MUHAWIEH  
17 represented and caused others to represent would be purchased and renovated with the lenders'  
18 funds.

19 6. Also in furtherance of the scheme, MUHAWIEH misrepresented, concealed, and  
20 deliberately failed to disclose material facts, including but not limited to: (a) he provided and  
21 caused others to provide multiple deeds of trust for the properties that purportedly served as  
22 collateral for the lenders' funds; and (b) the loans purportedly secured by the deeds of trust that  
23 MUHAWIEH provided and caused others to provide significantly exceeded the equity remaining  
24 in the encumbered properties, and thus the deeds of trust provided to the lenders did not provide  
25 adequate security for the lenders.

26 ///

27 ///

28 ///

COUNTS ONE THROUGH TWELVE: (18 U.S.C. § 1343 - Wire Fraud)

7. Paragraphs 1 through 6 of this Indictment are hereby re-alleged and incorporated by reference as if set forth in full herein.

8. On or about the dates set forth below, in the Northern District of California and elsewhere, for the purpose of executing the material scheme to defraud lenders, and to obtain money by materially false and fraudulent pretenses, representations, promises, and omissions, the defendant,

MAHER TALAL MUHAWIEH,

did knowingly transmit and cause to be transmitted the following wire communications in interstate commerce:

Count	Date	Description
ONE	October 19, 2006	Loan by interstate wire transfer of \$62,500 from lender E.S.
TWO	March 28, 2007	Loan by interstate wire transfer of \$190,000 from lender E.S.
THREE	July 25, 2007	Loan by interstate wire transfer of \$450,000 from lender J.J.
FOUR	September 10, 2007	Loan by interstate wire transfer of \$100,000 from lender E.S.
FIVE	November 19, 2007	Loan by interstate wire transfer of \$450,000 from lender J.J.
SIX	January 30, 2008	Loan by interstate wire transfer of \$100,000 from lender E.S.
SEVEN	April 1, 2008	Loan by interstate wire transfer of \$500,000 from lender E.S.
EIGHT	May 21, 2008	Loan by interstate wire transfer of \$325,000 from lender J.J.
NINE	June 12, 2008	Loan by interstate wire transfer of \$300,000 from lender P.T.
TEN	June 13, 2008	Loan by interstate wire transfer of \$200,000 from lender E.S.
ELEVEN	July 17, 2008	Loan by interstate wire transfer of \$49,600 from lender K.S.
TWELVE	October 18, 2008	Loan by interstate wire transfer of \$300,000 from lender E.S.



1 All in violation of Title 18, United States Code, Section 1343.

2 FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461)

3 9. The allegations contained in this Indictment are realleged and by this reference  
4 fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of 18  
5 U.S.C. § 981(a)(1)(C).

6 10. Upon a conviction for the offenses alleged in Counts One through Twelve above,  
7 the defendant, MAHER TALAL MUHAWIEH, shall forfeit to the United States any property,  
8 real or personal, which constitutes or is derived from proceeds traceable to said offenses,  
9 including but not limited to a sum of money equal to the total proceeds from the commission of  
10 said offenses.

11 11. If, as a result of any act or omission of the defendant, any of said property

- 12 a. cannot be located upon the exercise of due diligence;
- 13 b. has been transferred or sold to or deposited with, a third person;
- 14 c. has been placed beyond the jurisdiction of the Court;
- 15 d. has been substantially diminished in value; or
- 16 e. has been commingled with other property which cannot be divided without  
17 difficulty;

18 any and all interest defendant has in any other property up to the value of the property described  
19 in paragraph 10 above, shall be forfeited to the United States pursuant to Title 18, United States  
20 Code, Section 981(a)(1)(C), as incorporated by Title 28, United States Code, Section 2461.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

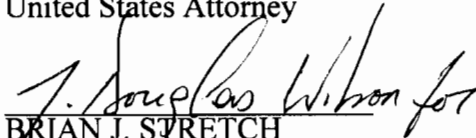
1 All in violation of Title 18, United States Code, Sections 981(a)(1)(C) and 1343; Title  
2 28, United States Code, Section 2461; and Rule 32.2 of the Federal Rules of Criminal Procedure.


3  
4  
5 Dated: *September 16, 2010*

A TRUE BILL

6  
7   
FOREPERSON

8 MELINDA HAAG  
United States Attorney

9  
10   
11 BRIAN J. STRETCH  
Chief, Criminal Division

12  
13 (Approved as to form: )

AUSA JEFFREY RABKIN